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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 DAVID BROWNING, individually and on
behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 AMYRIS, INC. and JOHN G. MELO,

15 Defendants.

16 Case No. 3:13-CV-02209-WHO

17 **STIPULATION AND
ORDER REGARDING RELATED CASE**

18 Judge: Hon. William H. Orrick

19 Date Filed: May 14, 2013

20 Trial Date: None

STIPULATION

WHEREAS, this action, *Browning v. Amyris, et al.*, Case No. 3:13-CV-2209-WHO (the “Securities Action”), has been assigned to this Court since May 14, 2013;

WHEREAS, a newly-filed action, *Shannon v. Melo, et al.*, Case No. 3:13-CV-3694-EMC filed on August 8, 2013(the “Derivative Action”), has been assigned to a different judge, the Honorable Edward M. Chen, in this District;

WHEREAS, Defendants Amyris, Inc. and John Melo concurrently with this Stipulation have filed an Administrative Motion To Consider Whether Cases Should Be Related (“Administrative Motion”);

WHEREAS, for the reasons set forth in the Administrative Motion, the parties to this action, *Browning v. Amyris, et al.*, Case No. 3:13-CV-2209-WHO, agree that it and the newly-filed action, *Shannon v. Melo, et al.*, Case No. 3:13-CV-3694-EMC, are “related cases” within the meaning of Civil Local Rule 3-12 and suggest and jointly request that the Derivative Action be related to the Securities Action;

WHEREAS, this action is the earliest-filed case;

WHEREAS, the parties suggest and jointly request the Derivative Action be related to the Securities Action; and

WHEREAS, the parties suggest and jointly request that the Derivative Action be transferred and reassigned to The Honorable William H. Orrick for all purposes.

IT IS HEREBY STIPULATED AND AGREED that:

1. This Court should determine that this action, *Browning v. Amyris, et al.*, Case No. 3:13-CV-2209-WHO, and *Shannon v. Melo, et al.*, Case No. 3:13-CV-3694-EMC are related cases under Civil Local Rule 3-12; and

2. *Shannon v. Melo, et al.*, Case No. 3:13-CV-3694-EMC should be re-assigned to this Court.

SO STIPULATED.

1 DATED: September 12, 2013

KEKER & VAN NEST LLP

2 By: /s/ Michael D. Celio

3 SUSAN J. HARRIMAN
4 MICHAEL D. CELIO
5 LAURIE CARR MIMS

6 Attorneys for Defendants AMYRIS, INC.
7 and JOHN G. MELO

8 DATED: September 12, 2013

9 MILBERG LLP

10 By: /s/ David Azar

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19 Attorneys for Plaintiff Steven Tsao and
20 Lead Counsel for Class

1 **DECLARATION OF MICHAEL D. CELIO**

2 I, Michael D. Celio am the ECF User whose ID and password are being used to file this
3 Stipulation and [Proposed] Order to Relate Cases. In compliance with Local Rule 5-1(i)(3), I
4 hereby attest that the concurrence of the filing of this document has been obtained from each of
5 the other signatories indicated by a “conformed” signature (/s/) within this document.
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8 */s/ Michael D. Celio* _____

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ORDER

The Court has considered the Administrative Motion to Consider Whether Cases Should Be Related and the above Stipulation, and for good cause appearing therefore, the Court hereby ORDERS as follows:

- A. IT IS ORDERED that the case entitled *Shannon v. Melo, et al.*, Case No. 3:13-CV-3694-EMC is related to *Browning v. Amyris, et al.*, Case No. 3:13-CV-2209-WHO pursuant to Civil Local Rule 3-12.
- B. IT IS FURTHER ORDERED that *Shannon v. Melo, et al.*, Case No. 3:13-CV-3694-EMC is transferred and reassigned to the Honorable William H. Orrick for all purposes.

Pursuant to Local Rule 3-12(f), the Clerk of the Court is directed to notify the parties once the above mentioned case is formally transferred and reassigned to the Honorable William H. Orrick.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 13, 2013

W.H.Orrick
THE HONORABLE WILLIAM H. ORRICK
United States District Court Judge